

# **EXHIBIT A**

ERIKA KULLBERG 30(b)(6)  
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024

1

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF FLORIDA

3 MDL No. 3076

4 CASE NO: 1:23-md-03076-KMM

5  
6  
7 IN RE: FTX Cryptocurrency Exchange )  
8 Collapse Litigation, )  
9 )  
10 )  
11 -----

12 VIDEOTAPED DEPOSITION

13 VIDEO CONFERENCE DEPOSITION OF  
14 DEFENDANT CREATORS AGENCY, LLC

15 RULE 30(b)(6) REPRESENTATIVE

16 ERIKA KULLBERG

17 (Also in Her Individual Capacity)

18  
19 THURSDAY, FEBRUARY 1, 2024

20  
21 REPORTED BY:

22 DENISE D. HARPER-FORDE  
23 Certified Shorthand Reporter (CSR)  
24 Certified RealTime Reporter (CRR)  
25 Certified LiveNote Reporter (CLR)  
Registered Professional Reporter (RPR)  
Notary Public (FLORIDA)

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1 name, but it was in Orlando.

2 Q. And did you attend Fin Con  
3 2022 -- let me start that over.

4 In what capacity did you  
5 attend Fin Con 2022?

6 ATTORNEY ADAMS: Objection.  
7 Vague.

8 (BY ATTORNEY KAYE):

9 Q. What was the answer?

10 A. The answer is, I didn't attend  
11 in a specific capacity.

12 Q. You were there for what  
13 purpose?

14 A. I was there as myself.

15 Q. Did you participate in any of  
16 the events?

17 ATTORNEY ADAMS: Objection. I  
18 mean, ask a question specific to  
19 FTX.

20 (BY ATTORNEY KAYE):

21 Q. When you attended Fin Con  
22 2022, you were still working with  
23 Creators Agency; right?

24 A. Yes.

25 Q. And there was still --

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1 Creators Agency was still working with  
2 FTX US as one of its Brands?

3 ATTORNEY ADAMS: Objection as  
4 to form.

5 THE WITNESS: Yes.

6 (BY ATTORNEY KAYE):

7 Q. Who were some of the Creators  
8 that you had working with FTX US?

9 ATTORNEY ADAMS: Objection as  
10 to vague. It's the US piece, Joey.  
11 She has already said that she is not  
12 sure of the distinction. That is all  
13 I'm trying to clarify here.

14 (BY ATTORNEY KAYE):

15 Q. Okay. Fair enough. So who  
16 were some of the Creators that you had  
17 working with FTX?

18 A. What is the relevant time  
19 period?

20 Q. At any point?

21 A. Of some of the Creators that  
22 worked with an FTX entity include  
23 Graham Stephan, Jaspreet Singh, Marco  
24 Whiteboard Finance, Deadnsyde, Jeremy  
25 Lefebere.

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1           A. I can't recall. If you want  
2 to pull up the contracts, we can  
3 look.

4           Q. For any of the content that  
5 you created for FTX. This is 2021 up  
6 until they filed bankruptcy. Did you  
7 remove any of it from any of the  
8 platforms you originally posted it  
9 on?

10           ATTORNEY ADAMS: Objection.

11           THE WITNESS: Yes.

12           (BY ATTORNEY KAYE):

13           Q. When did you do that?

14           A. I don't recall, but it was  
15 close to bankruptcy date.

16           Q. After the bankruptcy date?

17           A. I don't recall.

18           Q. What was your reason for  
19 removing the contents?

20           ATTORNEY ADAMS: Objection.

21 Instruct her not to answer. It has no  
22 bearing whatsoever on jurisdiction.

23           (BY ATTORNEY KAYE):

24           Q. So you are an accomplished  
25 YouTube-er; right? You have millions

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1 country. I know it provides US.

2 Those are the specifics that I am  
3 aware of.

4 Q. Okay. Do you know if it  
5 provides Cities?

6 A. I don't know.

7 Q. Have you ever checked?

8 A. I have checked the geography,  
9 and I don't see the City on it. When  
10 I check the geography, you see the  
11 countries and percentage.

12 Q. Is geography like a tab that  
13 you can click on to look at?

14 A. I don't recall, but I don't  
15 think it's a tab on it's own. I think  
16 it's probably grouped in with other  
17 things, but I don't know 100  
18 percent.

19 Q. Okay. Now, if I told you that  
20 the video -- the page that shows the  
21 metrics for the video has the tabs  
22 content, traffic source, geography,  
23 Cities, viewer gender, date, revenue  
24 source, subscription status,  
25 subscription source...more.

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1 Q. Now, I will PDF it to send it  
2 to the Court Reporter. I use my  
3 computer in dark mode, because I'm  
4 staring at the screen for like 16  
5 hours a day. So it will be flipped  
6 when it's a PDF, but it will be the  
7 same document.

8 Do you so that E-mail on my  
9 screen?

10 A. Yes, I see that E-mail on your  
11 screen.

12 Q. Friday, March 31st, 12:30 in  
13 the morning. From me to  
14 Erika@CreatorsAgency.CO,  
15 Erika@ErikaKullberg.com.

16 Is this the E-mail you're  
17 referring to? Does that refresh your  
18 recollection?

19 A. I don't recall the specific  
20 E-mail, but as I stated I recall  
21 receiving an E-mail from your firm.

22 Q. Okay. Do you recall seeing a  
23 notice of commencement of action and a  
24 request of waiver of service form?

25 A. Again, I don't recall

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1 organization for Creators Agency.

2 Q. Did you prepare it?

3 A. Yes.

4 Q. What is Registered Agents,  
5 Inc.?

6 A. Registered Agents, Inc. is a  
7 Registered Agent service.

8 Q. What is your understanding of  
9 that location? Have you ever been  
10 there physically?

11 ATTORNEY ADAMS: Joe, could I  
12 just ask can you put the whole  
13 document in here or put it in the chat  
14 so half of it is not cut off here.

15 ATTORNEY KAYE: Sure. I will  
16 put it in the chat.

17 (BY ATTORNEY KAYE):

18 Q. So the question is, have you  
19 ever physically been to that location,  
20 Erika?

21 A. I have never physically been  
22 to the Sheraton Wyoming location.

23 Q. Why did you decide to create  
24 the LLC in Wyoming?

25 ATTORNEY ADAMS: To the extent



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1 that might call for Attorney/Client  
2 communication, I remind you not to  
3 disclose that.

4 THE WITNESS: I read that --  
5 (BY ATTORNEY KAYE):

6 Q. Did Derek represent you -- go  
7 ahead. You read?

8 A. I read that Wyoming was a good  
9 state to open a LLC.

10 Q. Why is it a good state to open  
11 an LLC?

12 ATTORNEY ADAMS: The document  
13 is still not in the chat. Can you go  
14 ahead and put that in the chat so that  
15 the witness can actually see the  
16 document.

17 ATTORNEY KAYE: Yes, I will  
18 put it in the chat. We will get to  
19 it. I'm asking why did you think  
20 Wyoming was a good state to open an  
21 LLC?

22 ATTORNEY ADAMS: I am not  
23 going to allow additional questions  
24 when you're putting half of the  
25 document up. Either show the

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1 Q. You said you can answer this  
2 to the best of your ability?

3 A. I can. What is the time  
4 frame? And who are we speaking about?

5 Q. The time frame would be from  
6 August, 2021 through November, 2022?

7 A. So list the States where  
8 independent contractors are located?

9 Q. Yes, to the best of your  
10 ability. Does Creators Agency have  
11 any records of this? Like where these  
12 people were located?

13 A. I'm not sure.

14 Q. Okay. So based on memory, to  
15 the best of your ability, what States  
16 were the independent contractors  
17 located in?

18 A. Nevada. That is it.

19 Q. That is all you remember?

20 A. No, that's it.

21 Q. What about the Creators from  
22 August, 2021 through November, 2022?

23 A. That I can try to answer for  
24 specific Creators, but I don't know  
25 everyone. I can answer for the

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1 have an awareness of that?

2 A. No, that is not something that  
3 I recall. I would have recalled or  
4 that I recalled. But I just saw the  
5 document probably in the last few days  
6 because of prep.

7 Q. And both as a representative  
8 of Creators and individually, your  
9 answer is the same? Your awareness of  
10 Miami being in the talking points came  
11 a couple of days ago?

12 A. Yes, my answer is the same.

13 Q. Did you ever travel to Miami  
14 for anything FTX related?

15 A. No, I did not.

16 Q. Did you ever attend Bitcoin  
17 2021?

18 A. No, I did not.

19 Q. Did you attend Bitcoin 2022?

20 A. No, I did not.

21 ATTORNEY ADAMS: Object.

22 (BY ATTORNEY KAYE):

23 Q. Did you go to any Miami Heat  
24 games?

25 ATTORNEY ADAMS: Objection. I

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1 for it's Creators?

2 ATTORNEY ADAMS: Objection.

3 Instruct not to answer, unless it is  
4 tide some way to Florida.

5 ATTORNEY KAYE: You know where  
6 I'm going with this, Derek. If there  
7 is analytics, and it shows any kind of  
8 geographical location, we need to know  
9 that.

10 ATTORNEY ADAMS: That's a fair  
11 question, but that wasn't the one you  
12 asked. You can ask that question.

13 ATTORNEY KAYE: Yes, because I  
14 lead into it. Give me a little bit of  
15 leeway, so that there is less that we  
16 have to go to the Magistrate Judge on  
17 would be great. We are rounding out  
18 the 4 hours on the record.

19 (BY ATTORNEY KAYE):

20 Q. So, the first question Erika,  
21 did Creators Agency ever create any  
22 reports on promo code usage or any  
23 kind of analytics for the Creators?

24 A. I don't believe we had that  
25 information, no.

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BEGINS"

\* \* \* \*

ATTORNEY ADAMS: Hold on.  
Objection. I'm going to designate  
this portion of the transcript as  
"confidential". Beyond the scope of  
what you're permitted to ask about.  
Instruct the witness not to answer.

You can answer specifically if  
it relates to Florida tracking.

THE WITNESS: No. --

(BY ATTORNEY KAYE):

Q. -- that you are aware?

A. No, there are no analytics  
related to Florida that I am aware of,  
that FTX provided to either Creators  
Agency or Creators.

Q. Or that Creators Agency  
collected on its own?

A. Or that Creators Agency  
collected on its own.

Q. Okay. For any of these  
scenarios, did you ever ask or  
check?

A. No. For analytics

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1 US.

2 Q. Okay. Do you ever ask to have  
3 it broken down By State?

4 A. No.

5 Q. Could you have?

6 A. Sorry?

7 Q. Could you have?

8 A. "Could" or "should"?

9 Q. "Could", C-O-U-L-D. Could you  
10 have?

11 A. I did not know this was an  
12 option until you showed me today.

13 Q. Okay. I'm sure you will check  
14 after this.

15 So the answer is "no", you  
16 only ever asked about US versus  
17 international?

18 A. The only geographical data we  
19 have ever asked Creators for is what  
20 percent of their audience is based in  
21 is specific country.

22 Q. Okay. And did you ever do  
23 this for FTX? Any of the FTX  
24 content?

25 A. Did FTX ever request this?

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1 Q. No. Did you ever request it  
2 from the Creators about any of the FTX  
3 content that they created?

4 A. No.

5 Q. Did anybody at Creators Agency  
6 request it?

7 A. Not that I am aware.

8 Q. Did anybody at FTX request  
9 it?

10 A. Not that I am aware.

11 Q. So same for Creators Agency.  
12 Did Creators Agency ever collect any  
13 geographical tracking data for content  
14 that was generated by the Creators?

15 A. Again, for Creators Agency we  
16 have asked for geographical data as to  
17 what percent of their audience as a  
18 whole is in a specific country.

19 Q. Okay. And so that would be  
20 data coming from the Creators  
21 themselves; right?

22 A. As opposed to?

23 Q. As opposed to Creators Agency  
24 doing their own analysis and  
25 collecting their own data?

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CROSS EXAMINATION

(BY ATTORNEY ADAMS) :

Q. Ms. Kullberg, just a few follow-up questions here. So Mr. Kaye was asking you about geographical data, and you talked a little bit about that. I want to make sure we are clear on it.

Did Creators Agency track State-By-State data of it's Creators for any purpose?

A. No.

Q. Okay. Did FTX ever ask you to track State-By-State data for any purpose?

A. No.

Q. Did you ever talk to anyone at FTX about tracking data as it relates to posts, videos, et cetera being watched in Florida?

A. No.

Q. Did you ever talk to anyone at FTX in terms of targeting of Florida?

A. No.



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1 Q. Did you or Creators Agency  
2 post any videos or make any posts that  
3 targeted Florida?

4 A. No.

5 Q. You mentioned Jack Roberts in  
6 your testimony. What is your  
7 understanding of where Jack Roberts  
8 was when you spoke with him?

9 A. My understanding is he was  
10 between Chicago and New York.

11 Q. There is a name I want to ask  
12 you if you or Creators Agency to your  
13 knowledge has had any contact with,  
14 and that is Avinash Dabir.

15 Do you recognize Avinash  
16 Dabir?

17 A. No, I do not.

18 Q. Okay. And you mentioned the  
19 conference in 2022 earlier today. Do  
20 you recall testifying about that?

21 A. I'm sorry. Which conference?

22 Q. The Bitcoin conference in  
23 Orlando that you mentioned September  
24 -- I think you said September of 2022.  
25 Is that right?

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CERTIFICATE OF OATH

(VIDEO CONFERENCE PROCEEDINGS)

\* \* \* \*

UNITED STATES DISTRICT COURT )  
SOUTHERN DISTRICT OF FLORIDA )

I, DENISE D. Harper-Forde,  
shorthand Reporter and Notary Public,  
certify that ERIKA KULLBERG, appeared  
before me and was duly sworn on the  
1st day of February, 2024.

WITNESS my hand and official seal  
this 2nd day February, 2024.

*Denise HarperForde*

DENISE D. Harper-Forde, RPR, CRR, CLR  
Notary Public - State of Florida  
My Commission Expires: 12-27-2025  
My Commission No: HH 211163

Personally Known as, ERIKA  
KULLBERG, produced a US Passport.

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C E R T I F I C A T E

\* \* \* \*

I, Denise D. Harper-Forde,  
Registered Professional Reporter and  
Notary Public in and for the State of  
Florida at large, do hereby certify  
that I was authorized to and did  
stenographically report the deposition  
of ERIKA KULLBERG; and that the  
foregoing pages are a true and correct  
transcription of my stenographic notes  
of said deposition.

I further certify that said  
deposition was taken at the time and  
place hereinabove set forth, and that  
the taking of said deposition was  
commenced and completed as hereinabove  
set out.

I further certify that I am not an  
attorney or counsel of any of the  
parties, nor am I a relative or  
employee of any attorney or counsel of  
party connected with the action, nor  
am I financially interested in the  
action.

The foregoing certification of  
this transcript does not apply to any  
reproduction of the same by any means  
unless under the direct control and/or  
direction of the certifying Reporter.

DATED this 2nd day of February, 2024

*Denise HarperForde*

DENISE D. Harper-Forde, RPR, CRR, CLR  
Notary Public - State of Florida  
My Commission Expires: 12-27-2025  
My Commission No: HH 211163